

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

## **MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

Before the Court is Defendants' motion to revoke Ware's pauper status (Doc. 48) which argues that Ware accumulated three or more strikes before he filed this action. Defendants are partly correct: Ware has accumulated at least three strikes. *See Ware v. Bank One*, Case No. 07-C-3964 (N.D. Ill., filed July 25, 2007) (action dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B), entered July 25, 2007); *Ware v. Chicago Police Dept.*, Case No. 08-C-6645 (N.D. Ill., filed Nov. 26, 2007) (order at Doc. 6 assessing two strikes, entered March 6, 2008). But the two strikes in *Chicago Police Dept.* were assessed *after* Ware filed this action on October 18, 2007; in fact, that entire action was filed *after* the instant action was filed. Strikes assessed after the filing of *this* action cannot be used retroactively to revoke his pauper status in *this* action, and thus Defendants' motion is **DENIED**.

Nonetheless, Ware faces a larger obstacle in pursuing this action. Last month, the Seventh Circuit entered an order stating: “Until Ware has paid in full all outstanding fees and any sanctions in all civil actions he has filed, the clerks of all federal courts in this circuit will return unfiled any

papers submitted either directly or indirectly by or on behalf of Ware.” *Ware v. Garnett*, Appeal No. 08-2045 (7<sup>th</sup> Cir., order entered April 20, 2009). This mandate precludes any further filings by Ware in this action, and effectively precludes any further proceedings. *See In re: City of Chicago*, 500 F.3d 582, 585-86 (7<sup>th</sup> Cir. 2007).

Accordingly, this action is **DISMISSED** without prejudice. The Clerk of Court shall **CLOSE THIS CASE.**

**IT IS SO ORDERED.**

DATED: 5/19/09

s/ *G. Patrick Murphy*  
G. Patrick Murphy  
United States District Judge